

REMARKS

Overview

Claims 21, 38 and 39 are pending in this application. Claims 21 has been amended and claims 38 and 39 have been added. The present response is an earnest effort to place all claims in proper form for immediate allowance. The amendments to the claim language are consistent with the amendments proposed in the Examiner Interview of September 23, 2004.

Claim 21 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Crop Profiler reference. The present invention as distinguished from the Crop Profiler reference was discussed during the Examiner Interview. Claim 21 has been amended to clarify a significant feature of the present invention that patentably distinguishes it over the prior art, including the Crop Profiler reference. In at least a preferred embodiment, the present invention relies upon actual income and expense data to evaluate the financial condition of the producer and for use in the integrated crop insurance services, financial management services, and marketing services provided within the scope of the present invention. Claim 21 has been amended to more clearly describe this feature of the invention. In particular, claim 21 now describes the steps of "recording projected income and expense data for the crop producer" and "updating at least a portion of the projected income and expense data on a periodic basis with actual income and expense data for the crop producer". Claim 21 also describes the step of providing financial management services based, at least in part, "upon the actual and projected income and expense data." Support for the amendments to the claim language is found at various places in the Specification, including pages 12, 13, 17 and 18.

The invention described in claim 21 as amended patentably distinguishes over the Crop Profiler reference. In fact, the Crop Profiler reference cannot even support a *prima facie* case of

obviousness. Unlike the present invention, the Crop Profiler reference relies only upon projected income and expense data from the producer. As such, it is of limited utility and does not address significant problems in providing integrated financial management services to a crop producer, which the present invention solves. Simply put, there is no accounting or recordkeeping function associated with the Crop Profiler reference. The Applicants recognized and understood that integrating crop insurance services, financial management services, and marketing services would be most effective if the projected income and expense data were updated on some periodic basis with actual data. Among other things, this allows the producer to make meaningful decisions about the profitability of sales contracts at various times throughout the year.

There is simply no suggestion or motivation in the Crop Profiler reference to record projected income and expense data and then update at least a portion of that data on a periodic basis with actual data for the producer. Simply put, the Crop Profiler reference fails to identify or address in any way whatsoever the problems solved by the present invention. In tracking both actual and projected income and expense data, the present invention provides a higher quality of financial information available so as to make decisions affecting profitability more meaningful.

New Claims

New claims 38 and 39 are patentable and in allowed form. Claims 38 and 39 are dependent claims, both depending from claim 21 as currently amended. Claim 38 describes the additional step of "advising the crop producer as to ways to improve profitability based upon the actual and projected income and expense data." Claim 39 describes the additional step of "providing financial consulting services to the crop producer based upon the actual and projected income and expense data." This additional step of consulting and providing consultation services

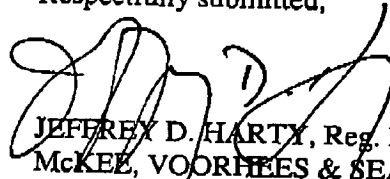
to the crop producer based upon the actual projected income and expense data certainly is neither disclosed nor suggested in the Crop Profiler reference. Nor is this additional step disclosed in the other prior art of record in the case. Support for the additional claims is found in the Specification at least at pages 7 and 19. It is respectfully submitted that these claims are in proper form for allowance, as depending from an allowable base claim.

Conclusion

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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